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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,514	02/18/2004	Charles Gillette	324498001US1	4708
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PERKINS COIE LLP PATENT-SEA P.O. BOX 1247 SEATTLE, WA 98111-1247			EXAMINER MUSSELMAN, TIMOTHY A	
			ART UNIT 3714	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/782,514	<b>Applicant(s)</b> GILLETTE ET AL.	
	<b>Examiner</b> Timothy Musselman	<b>Art Unit</b> 3714	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

***DETAILED ACTION***

***Claim Objections***

[1] Claims 1-38 are objected to for being in improper form. There appears to be an artifact from the creation of the claim document that is to the left of each claim in brackets. This is not proper claim form. For guidance on claim construction see MPEP 608.01(m).

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112;

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as the invention.

**Claim 34 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

[2] Claim 34 recites a limitation including "The telecommunications mobile device". No mobile devices are defined prior to this occurrence in the instant claim or parent claim 30. As such, there is a lack of antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the relevant portion of 35 U.S.C. 102 that forms the basis for the rejections made in this section of the office action;

(e) the invention was described in — (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent.

**Claims 1-13, 16-23, 25-32, and 34-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Stuppy et al. (US 6,733,295).**

[3] Regarding claims 1-5, Stuppy discloses a computer based training device and method comprising sending educational content to multiple student computing devices from a central database associated with a server computing device [claim 1 and 3]. See col. 3: 36-41 and col. 6: 11-16. Stuppy further discloses wherein the educational content is associated with at least a portion of a particular subject to be learned by multiple adult students in the corporate learning environment [claim 1]. See col. 4: 60-65. Stuppy further discloses substantially concurrently sending an assessment or quiz relating to the educational content to the multiple student computing devices during an educational lesson, and receiving results relating to the assessment or quiz from the multiple student computing devices during the educational lesson [claim 1]. See col. 10: 21-36. Stuppy further discloses tabulating or aggregating the received results during the educational lesson, wherein the tabulated or aggregated results reflect how well the multiple adult students understood the educational content, and providing the results to a teaching device [claims 1 and 4]. See col. 13: 18-27. Stuppy further discloses sending remedial content to the student devices from the central database when the tabulated or aggregated results indicate that at least some of the multiple adult students have not understood at least a portion of the educational content [claims 1 and 5]. See col. 12: 11-34. Stuppy further discloses wherein all system workstations can be portable, wireless electronic devices [claims 1-5]. See col. 6: 24-39.

[3] Regarding claims 10 and 13, Stuppy discloses a method performed by a computer system for exchanging educational material, the method comprising identifying a student operating a first computing device, and selecting information relating to an educational component to send to the first computing device. See col. 12: 15-20. Stuppy further discloses adapting the selected information for presentation on the first computing device based on a size of a visual display device associated with the first portable computing device, and sending the adapted information

to the first computing device (as per claims 10 and 13). See col. 6: 61 – col. 7: 10. Stuppy further discloses receiving an indication from the student relating to the sent information and storing the indication. See col. 10: 40-54. Stuppy further discloses wherein when the identified student operates a second computing device, identifying information relating to the educational component based on the stored indication. See col. 5: 53-59, and col. 10: 40-54. Stuppy further discloses adapting information for the second device just as for the first device, since the system of Stuppy allows the user to use any device that connects to the system, as described in col. 5: 53-59.

[4] Regarding claim 6, Stuppy further discloses receiving a request from one of the portable student computers for additional content related to an aspect of the educational content, and wirelessly providing the additional content to the one portable student computer. See col. 11: 35-40 and col. 6: 24-39.

[5] Regarding claim 7, Stuppy further discloses wherein the educational lesson is performed substantially concurrently among remote adult students in multiple geographically distinct locations. See col. 4: 20-38 and col. 5: 50-60.

[6] Regarding claim 8, Stuppy further discloses providing teacher tools to assist the teacher in creating an agenda for the educational lesson, creating study materials for use by the adult students before the educational lesson, and creating educational materials for use during the educational lesson. See col. 12: 11-34 and col. 11: 29-50.

[7] Regarding claims 9 and 12, Stuppy further discloses wherein the supplemental content is determined by evaluating context data (defined by instant specification as device communication protocol information) related to the educational lesson. See col. 6: 61 – col. 7: 11. Stuppy further discloses wherein the supplemental content is also determined by a task model relating to a task that the adult students are to perform related to the educational content and the educational

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lesson, and a user model relating to how individual adult students interact with the computer system. See col. 10: 21-44.

[8] Regarding claim 11, Stuppy further discloses wherein the wirelessly sending includes wirelessly and concurrently sending the adapted information to multiple portable computing devices during an educational lesson related to the educational component. See col. 11: 29-50, and col. 6: 34-38.

[9] Regarding claim 16, Stuppy further discloses wherein the indication from the identified student is a question relating to the educational component. See col. 11: 34-39 and col. 13: 18-26..

[10] Regarding claim 17, Stuppy further discloses wherein the indication is stored in a central database. See col. 12: 30-34.

[11] Regarding claims 18, Stuppy further discloses wherein an indication stored in the central database is available from a computer coupled to the internet. See col. 12: 28-34, and col. 7: 26-35.

[12] Regarding claim 19, Stuppy further discloses wherein the indentifying of the student includes authenticating the identified student. See col. 11: 14-18.

[13] Regarding claim 20, Stuppy discloses a system comprising a server computing device and associated central database for storing an educational component and a complementary educational component. See col. 10: 21-54 and col. 6: 11-22. Stuppy further discloses wherein the system has a web based front end for providing access to the stored educational complementary educational component. See col. 7: 19-35. Stuppy further discloses a first mobile device (mobile/wireless as described previously throughout this OA), for presenting an educational component to a student and indicating an aspect of the educational component, the

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indication subsequently being stored on the server computing device. See col. 10: 21-55. Stuppy further discloses a second student computing device for presenting the complementary educational component. See col. 10: 21-55 and col. 11: 14-19. Stuppy further discloses wherein all devices in the system are configured to exchange information via at least one network. See col. 11: 14-19.

[14] Regarding claim 21, Stuppy further discloses wherein the educational component includes material for presentation by an instructor during class. See col. 11: 29-50.

[15] Regarding claim 22, Stuppy further discloses wherein the complementary educational component is a quiz. See col. 10: 49-54.

[16] Regarding claim 23, Stuppy further discloses wherein the complementary educational component is additional material relating to the educational component. See col. 10: 49-54.

[17] Regarding claim 25, Stuppy further discloses wherein the indication is an area a student wishes to review. See col. 10: 50-54. Note that the student wishes to review this material, otherwise the student would not be in the program at all. Additionally, the matter of *when* the student *wishes* to review the material is not patentably distinct from Stuppy, because a student can *wish* to do whatever they want after class in *any* educational system.

[18] Regarding claims 26 and 27, Stuppy discloses a system for enabling mobile learning comprising authenticating user credentials. See col. 11: 14-19, and col. 6: 24-38. Stuppy further discloses means for receiving information from an instructional computing device, wherein the received information relates to an educational component. See col. 7: 27-35. Stuppy further discloses means for presenting the received information on the mobile computing device. See col. 6: 61 – col. 7: 11. Stuppy further discloses means for presenting, for determining whether the received information indicates that an assessment is to be performed, and when an assessment

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is indicated, presenting the assessment; collecting a response to the assessment; and sending the response to the instructional computing device. See col. 10: 21-54 and col. 13: 1-8. Stuppy further discloses wherein all devices in the system are coupled together to exchange data (claims 26 and 27). See col. 3: 37-41.

[19] Regarding claims 28 and 29, Stuppy further discloses wherein the instructional component can be modified by an instructor in real time. See col. 5: 15-35.

[20] Regarding claim 30, Stuppy discloses a computer readable medium containing an educational component, an educational component, wherein the educational component is created by an intelligent support engine that takes into consideration context data, a task model, and a user model. See col. 6: 61 – col. 7: 11, and col. 10: 21-54. Stuppy further discloses a question relating to the educational component, wherein the system comprises a question is designed to determine whether a student has understood the educational component, and an answer to the question. See col. 13: 1-8.

[21] Regarding claim 31, Stuppy further discloses wherein the educational content includes streaming media. See col. 10: 37-40 and col. 9: 58 – col. 10: 5.

[22] Regarding claim 32, Stuppy further discloses indications for the proper presentation of the material. See col. 7: 1-10.

[23] Regarding claim 34 and 38, Stuppy discloses wherein the computer readable medium is a memory of the mobile wireless device. See col. 6: 11-38.

[24] Regarding claim 35, Stuppy further discloses wherein the computer readable medium is a logical node in a computer network receiving the educational components. See col. 3: 37-49.



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[25] Regarding claim 36, Stuppy further discloses wherein the computer readable medium is a computer readable disk. See col. 6: 11-15. Note that a computer database uses a hard *disk* drive.

[26] Regarding claim 37, Stuppy discloses wherein the computer readable medium is a data transmission medium carrying a generated data signal containing the educational component. See col. 6: 40-53.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of the relevant portion of 35 U.S.C. 103 that forms the basis for the rejections made in this section of the office action;

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

**Claims 14-15, 24, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuppy et al. (US 6,733,295) in view of Turner et al. (US 6,633,742).**

[27] Regarding claims 14-15, 24, and 33, Stuppy discloses all of the features of parent claims 10, 20, and 30 as described above. However, although Stuppy teaches of storing information for particular students as described with reference to claim 20 above, there is no teaching wherein *notes* are stored (as per claim 14). However, Turner discloses a computer based training system that includes this feature. See col. 31: 30-35. Stuppy additionally fails to teach wherein the indication from the student (from claims 10 and 20) is a bookmark (as per claims 15 and 24). However, Turner teaches of this feature in col. 31: 41-43. Stuppy also fails to teach wherein the indications for proper presentation (context data from claim 30) are represented in XML (as per

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claim 33). However, Turner also teaches of representing information in XML. See col. 17: 35-41. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention, to utilize the bookmarks and notes of Turner in the system of Stuppy so as to allow for user annotation and consistency between sessions, and to include the XML feature of Turner in the system of Stuppy in order to provide a flexible and configurable interface.

### ***Relevant Prior Art Not Relied Upon***

- Weir et al. (US 2002/0192631) – wireless computer based training system.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy Musselman whose telephone number is (571)272-1814. The examiner can normally be reached on Mon-Thu 6:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto, can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Kathleen Mosser  
Primary Examiner  
Art Unit 3714